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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,564	08/22/2003	Richard W. Schafer	03-12413	9408
25189 7590 07/03/2008 Cislo & Thomas LLP 1333 2nd Street Suite #500 Santa Monica, CA 90401-4110				
EXAMINER				
LIU, I JUNG				
ART UNIT		PAPER NUMBER		
3694				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,564

Applicant(s)

SCHAFFER, RICHARD W.

Examiner

MARISSA LIU

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-34 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 1-21, 26-34 and 36 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal circuit decisions, the Office's guidance to examiners is that a 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under 101 and should be rejected as directed to non-statutory subject matter. (See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1976). *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 16,18-20, 26, 28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, US Publication Number: 2002/0013767 A1 in view of Official Notice.

3. As per claim 1 or 16 or 26 or 32, Katz teaches a method for transferring funds, comprising:

establishing an account via a client coupled to a global network (§ 0089);

depositing funds into said account (§ 0002; § 0006; § 0074); and

withdrawing funds from said account (§ 0094; § 0149);

Katz does not teach:

wherein said account is secured by said deposited funds, but unsecured by credit information.

Official Notice is taken that account is secured by funds, but unsecured by information is old and well known in the banking business as a convenient for customer to have immediate access to account information or to obtain the benefits of the secured fund. It would have been obvious at the time of the invention to have included account is secured by funds, but unsecured by information to transferring funds.

4. As per claim 2, Katz and Official Notice teach the method of claim 1 described above.

Katz further teaches a debit card corresponding to said account (§ 0006).

5. As per claim 3, Katz and Official Notice teach the method of claim 1 described above.

Katz further comprising verifying said deposited funds (§ 0091).

6. As per claim 4, Katz and Official Notice teach the method of claim 1 described above.

Katz further teaches the method further comprising verifying said withdrawing of said funds (§ 0091).

7. As per claim 5 or 20, Katz and Official Notice teach the method of claim 1 or 16 described above. Katz further teaches wherein said establishing an account comprises:

establishing a login (§ 0089-0091); and
entering payor information (§ 0089-0091); and
providing payee information (§ 0089-0091).

8. As per claim 6, Katz and Official Notice teach the method of claim 5 described above. Katz further teaches wherein said entering said payor information does not include the payor's social security number (§ 0091).

9. As per claim 7, Katz and Official Notice teach the method of claim 5 described above. Katz further teaches wherein said providing said payor information does not include a credit card number of said payor (§ 0091).

10. As per claim 8, Katz and Official Notice teach the method of claim 5 described above. Katz further teaches wherein said providing said payee information does not include the payee's social security number (§ 0091).

11. As per claim 9 or 28, Katz and Official Notice teach the method of claim 1 or 26 described above. Katz further teaches wherein said client is a personal computer (§ 0005).

12. As per claim 10, Katz and Official Notice teach a method of claim 9 described above. Katz further teaches wherein establishing an account is accomplished remotely by a payor (§ 0089).

13. As per claim 11, Katz and Official Notice teach the method of claim 1 described above. Katz further teaches said establishing an account is accomplished at any client connected to a public accessible global computer network (§ 0089).

14. As per claim 12, Katz and Official Notice teach the method of claim 1 described above.

Katz further teaches wherein said establishing an account is accomplished by a payor or a member merchant (§ 0089).

15. As per claim 13 or 19, Katz and Official Notice teach the method of claim 1 or 16 described above. Katz further teaches wherein said depositing funds is depositing currency, depositing via personal check, depositing funds from a debit card, depositing funds from a credit card, or transferring funds from another account (§ 0051).

16. As per claim 14, Katz and Official Notice teach the method of claim 1 described above. Katz further teaches said withdrawing funds is withdrawing funds by utilizing a debit card, utilizing an identification card, utilizing a pre-established credit card, transferring funds to another account, or obtaining currency from a member merchant (§ 0091).

17. As per claim 18, Katz and Official Notice teach the method of claim 16 described above. Katz further teaches wherein said account information comprises an account identifier (§ 0091), personal identification number (§ 0094), and amount of funds available (§ 0138).

18. As per claim 33, Katz teaches a method of transferring funds, comprising:

remotely establishing an account having an account identifier and password, via a client coupled to a public accessible global computer network (§ 0006; 0089; § 0091; § 0094) and remotely funding said account by depositing [[money]] funds via a client coupled to a public accessible global computer network (§ 0002; § 0074; § 0089);

withdrawing funds from said account from a remote location up to the amount deposited into said account by providing said account identifier and said password, wherein those funds

requested are released to a person presenting said account identifier and password (§ 0089; § 0091; § 0094; § 0149).

Katz does not teach:

Unsecured account and wherein said account is secured by said deposited funds, but unsecured by credit information.

Official Notice is taken that account is unsecured account and secured by funds, but unsecured by information is old and well known in the banking business as a convenient for customer to have immediate access to account information or to obtain the benefits of the secured fund. It would have been obvious at the time of the invention to have included unsecured account and secured by funds, but unsecured by information to transferring funds.

19. As per claim 34, Katz and Official Notice teach the method of claim 33 described above. Katz does not teach wherein remotely funding said unsecured account comprises transferring funds from another account to said unsecured account. Official Notice is taken that remotely funding account comprises transferring funds from account to unsecured account is old and well known in the banking business as a convenient way for customer to transfer fund immediately without restrictions. It would have been obvious at the time of the invention to have included remotely funding account comprises transferring funds from account to unsecured account to transferring funds.

20. Claims 15, 17, 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, US Publication Number: 2002/0013767 A1, in view of Official Notice.

1. As per claim 15 or 21 or 36, Katz and Official Notice the method of claim 1 or 16 or 33 described above. Katz does not teach wherein credit information is social security number,

driver's license number, credit card number, date of birth, employer information, or bank account number.

Official Notice is taken that credit information is credit card number is old and well established in the business of fund transfer as a convenient way for user or merchant to obtain credit information. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included credit information is credit card number to a method for fund transfer.

2. As per claim 17, Katz and Official Notice teach the method of claim 16 described above. Katz further teaches wherein said withdrawing funds (§ 0094; § 0149).

Katz does not teach: includes obtaining currency from an automated teller machine.

Official Notice is taken that obtaining currency from an automated teller machine is old and well established in the business of banking as a convenient way for user to obtain money. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included obtaining currency from an automated teller machine to a method for fund transfer.

5. Claims 27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, US Publication Number: 2002/0013767 A1, in view of Official Notice, further in view of Teveler et al., US Publication Number: 2001/0034663.

1. As per claim 27, Katz and Official Notice teach the system of claim 26 described above. Teveler et al. further teaches comprising a database coupled to said server, configured to store information utilized by said funds transfer application (§ 0186-0187).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add a database coupled to said server, configured to store information utilized by said funds transfer application feature to fund transfer system of Katz and Official Notice because Teveler teaches that adding the feature helps to secure, accurate, fast and cost effective electronic money transfers for financial transactions (§ 0002; § 0005; § 0025 § 0186-0187).

2. As per claim 29, Katz and Official Notice teach the system of claim 26 described above. Teveler et al. further teaches wherein said server is a computer (§ 0070).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add server is a computer to fund transfer system of Katz and Official Notice because Teveler teaches that adding the feature helps to secure, accurate, fast and cost effective electronic money transfers for financial transactions (§ 0002 and § 0005; § 0025; § 0186-0187).

3. As per claim 30, Katz and Official Notice teach the system of claim 26 described above. Teveler et al. further teaches wherein said client and said server communicate via HTTP protocol (§ 0029).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wherein said client and said server communicate via HTTP protocol to the combined method of Katz and Official Notice because Teveler teaches that adding the feature helps to secure, accurate, fast and cost effective electronic money transfers for financial transactions (§ 0002 and § 0005; § 0025; § 0186-0187).

4. As per claim 31, Katz and Official Notice teach the system of claim 26 described above. Teveler et al. further teaches wherein said network is a WAN, LAN, a public accessible global computer network, a wireless network, and a virtual wireless network (§ 0025; § 0075; § 0082; § 0097).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add teaches wherein said network is a WAN, LAN, a public accessible global computer network, a wireless network, and a virtual wireless network to the combined system of Katz and Official Notice because Teveler et al. teaches that adding the feature helps to secure, accurate, fast and cost effective electronic money transfers for financial transactions (§ 0002; § 0005; § 0025; § 0186-0187).

Response to Arguments

5. Applicant's arguments, see applicant's arguments/ remarks made in an amendment, filed 2/25/2008, with respect to claims 1-21, 26-34 and 36 have been fully considered and are persuasive. The rejection of claims 1-21, 26-34 and 36 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694